

AMENDED IN ASSEMBLY APRIL 10, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2125

Introduced by Assembly Member Hall

February 23, 2012

An act to add ~~Sections 45272.5 and~~ *and repeal Section 45277.5 to* of the Education Code, relating to school district employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 2125, as amended, Hall. School district employees: merit system: appointments.

Existing law requires all vacancies in the classified service of a school district that has adopted the merit system to be filled from applicants on eligibility lists that are made up from promotional examinations or by appointments made by means of transfer, demotion, reinstatement, or reemployment, as specified. If a vacancy is filled from applicants on an eligibility list, the appointment is required to be made from the eligible candidates having the first 3 ranks on the list who are ready and willing to accept the position.

Existing law authorizes, in a school district that has adopted the merit system, an appointment to be made from other than the first 3 ranks on the eligibility list when the ability to speak, read, or write a language in addition to English, or possession of a valid driver's license is a requirement of the position to be filled, but in that case existing law requires the appointment to be made from among the highest 3 ranks of applicants on the list who meet the special requirements and are ready and willing to accept the position.

~~This bill would, in a school district with a pupil population over 400,000, authorize an appointment for a school-based position, as~~

~~specified, to be made from any rank on the eligibility list, but would require consideration of certain factors, as specified, before making a job offer.~~

~~This bill also would, until December 31, 2015, in a school district with a pupil population over 400,000, would authorize an appointment to specified classifications of positions to be made from other than the first 3 ranks on the eligibility list if specialized licenses, certifications, knowledge, or ability that cannot reasonably be acquired during the probationary period or a specific gender is required for successful job performance of a position, in which case the appointment would be required to be made from among the highest 3 ranks of applicants on the list who meet the special requirements and are ready and willing to accept the position. The bill also would require a school district that makes an appointment under this provision to study the effectiveness of the selection method, the vacancy rates for each class, and the length of time to hire for each class, and submit a report of its findings to any affected labor union.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 45272.5 is added to the Education Code,~~
- 2 ~~to read:~~
- 3 ~~45272.5. (a) Notwithstanding subdivision (a) of Section 45272,~~
- 4 ~~in a school district with a pupil population over 400,000, an~~
- 5 ~~appointment for an open, entry-level, school-based position, as~~
- 6 ~~described in subdivision (b), may be made from any rank on the~~
- 7 ~~eligibility list. However, in making appointments pursuant to this~~
- 8 ~~section, at least three eligible candidates from the list, if available,~~
- 9 ~~shall be considered, and appointing authorities shall consider~~
- 10 ~~job-related background and training that are related to successful~~
- 11 ~~job performance, placement on the eligibility lists, and seniority,~~
- 12 ~~before making a job offer.~~
- 13 ~~(b) This section is limited to the following classes:~~
- 14 ~~(1) Clerk/office technician.~~
- 15 ~~(2) Information systems support assistant I.~~
- 16 ~~(3) Library aide.~~

1 ~~SEC. 2.~~

2 ~~SECTION 1.~~ Section 45277.5 is added to the Education Code,
3 to read:

4 45277.5. Notwithstanding Section 45277, in a school district
5 with a pupil population over 400,000, the following shall apply:

6 (a) An appointment may be made from other than the first three
7 ranks of eligible applicants on the eligibility list if one or more of
8 the following are required for successful job performance of a
9 position to be filled:

10 (1) The ability to speak, read, or write a language in addition
11 to English.

12 (2) A valid driver's license.

13 (3) Specialized licenses, certifications, knowledge, or ability,
14 as determined by the school district personnel commission, that
15 cannot reasonably be acquired during the probationary period.

16 (4) A specific gender, if it is a bona fide occupational
17 qualification.

18 (b) The recruitment bulletin announcing the examination shall
19 indicate the special requirements that may be necessary for filling
20 one or more of the positions in the classification. If a position is
21 to be filled using the authority of this section, the appointment
22 shall be made from among the highest three ranks of eligible
23 candidates on the appropriate eligibility list who meet the special
24 requirements of the position and who are ready and willing to
25 accept the position.

26 (c) If there are insufficient applicants who meet the special
27 requirements, an employee who meets the special requirements
28 may receive provisional appointments that may accumulate to a
29 total of 90 working days. Successive provisional appointments of
30 90 working days or less each may be made in the absence of an
31 appropriate eligibility list containing applicants who meet the
32 special requirements if the personnel commission finds that the
33 requirements of subdivisions (a) and (b) of Section 45288 have
34 been met. These appointments may continue for the period of the
35 provisional appointment, but shall not be additionally extended if
36 certification can later be made from an appropriate eligibility list.

37 (d) This section applies only to the following classifications:

38 ~~(1) Accountant.~~

39 ~~(2) Administrative analyst.~~

40 ~~(3) Administrative assistant.~~

- 1 ~~(4) Assistant contract administration analyst.~~
- 2 ~~(5) Assistant contracts supervisor.~~
- 3 ~~(6) Assistant realty agent.~~
- 4 ~~(7) Contracts administration analyst.~~
- 5 ~~(8) Contract assistant.~~
- 6 ~~(9) Coordinating contract assistant.~~
- 7 ~~(10) Educational research analyst.~~
- 8 ~~(11) Financial analyst.~~
- 9 ~~(12) Grants specialist.~~
- 10 ~~(13) Health care advocate.~~
- 11 ~~(14) Human resources specialist III.~~
- 12 ~~(15) Insurance representative II.~~
- 13 ~~(16) Insurance representative III.~~
- 14 ~~(17) Occupational health nurse.~~
- 15 ~~(18) Parent community facilitator.~~
- 16 ~~(19)~~
- 17 (1) Principal financial analyst.
- 18 ~~(20)~~
- 19 (2) Principal administrative analyst.
- 20 ~~(21)~~
- 21 (3) Senior administrative analyst.
- 22 ~~(22)~~
- 23 (4) Senior administrative assistant.
- 24 ~~(23)~~
- 25 (5) Senior financial analyst.
- 26 ~~(24) Senior internal auditor.~~
- 27 ~~(25) Web developer.~~
- 28 ~~(26)~~
- 29 (6) *Information technology electronic communications*
- 30 *technician.*
- 31 (7) *Information technology solution technician.*
- 32 (8) *Senior human resource specialist.*
- 33 (9) Any classifications that have been designated as
- 34 ~~management.~~ *management or confidential.*
- 35 (e) *A school district that makes an appointment pursuant to this*
- 36 *section shall study the effectiveness of the selection method, the*
- 37 *vacancy rates for each class, and the length of time to hire for*
- 38 *each class, and submit a report on its findings to any affected labor*
- 39 *union.*

1 (f) *This section shall remain in effect only until December 31,*
2 *2015, and as of that date is repealed, unless a later enacted statute,*
3 *that is enacted before December 31, 2015, deletes or extends that*
4 *date.*

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